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JF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/582,887	08/17/00	CARMELLO	D CARP-0083

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IM52/1019

EXAMINER

JOHNSON, E

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 10/19/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/582,887

Applicant(s)

CARMELLO ET AL.

Examiner

Edward M. Johnson

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-21 have been renumbered 10-30.

2. Claim 30 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must list the claims it depends from in the alternative. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 10-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Convers et al. 4,460,699.

Regarding claim 10, Convers '699 discloses a fixed bed catalyst for oxychlorination comprising thin layers of high specific surface area material (see abstract and column 5, lines 3-8), gamma alumina (see column 4, lines 57-61), and salts of copper, magnesium, and lithium (see column 5, lines 20-30).

Regarding claim 16, Convers '699 discloses gamma alumina carrier (see column 4, lines 57-61), impregnation in several steps with aqueous solutions of the single reagent which is to be loaded onto the solid carrier (see column 1, lines 34-39) and salts of copper, magnesium, and lithium (see column 5, lines 20-30).

Regarding claim 11, Convers '699 discloses salts of copper, magnesium, and lithium (see column 5, lines 20-30).

Regarding claims 12 and 17, Convers '699 discloses chloride salts (see column 5, lines 20-21 and 31-32).

Regarding claims 13-14 and 19-21, Convers '699 discloses 0.1-9% copper (see column 5, lines 22-27) and a 0.05-1.0 metal to Cu molar ratio (see column 5, lines 32-35).

Regarding claims 15 and 22-29, Convers '699 discloses gamma alumina carrier (see column 4, lines 57-61) a minimum carrier surface area of 50 square meters per gram (see column 1, lines

41-43) and carrier thickness of 0.001-1 mm (see column 2, lines 20-22).

Regarding claim 18, Convers '699 discloses gamma alumina carrier (see column 4, lines 57-61), impregnation in several steps with aqueous solutions of the single reagent, which is to be loaded onto the solid carrier (see column 1, lines 34-39) and salts of copper, magnesium, and lithium (see column 5, lines 20-30).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bhasin 4,908,343 discloses a catalyst composition for oxidation of ethylene (see abstract) comprising alumina with lithium and magnesium salts (see column 1, lines 17-23) and supports comprising gamma alumina (see columns 23-24, Carriers E-H); Matusz et al. 5,380,697 discloses an ethylene oxide catalyst and process comprising an alumina based carrier (see abstract) impregnated with magnesium (see column 6, line 9) and lithium chloride (see column 8, lines 21-22).


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M. Johnson whose telephone number is 703-305-0216. The examiner can normally be reached on M-F 6:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3599 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

EMJ
October 18, 2001


STEVEN P. GRIFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700